

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DANE R. GILLETTE
Chief Assistant Attorney General
3 GARY W. SCHONS
Senior Assistant Attorney General
4 GIL GONZALEZ
Supervising Deputy Attorney General
5 KELLEY JOHNSON, State Bar No. 216387
Deputy Attorney General
6 110 West A Street, Suite 1100
San Diego, CA 92101
7 P.O. Box 85266
San Diego, CA 92186-5266
8 Telephone: (619) 645-3155
Fax: (619) 645-2581
9 Email: Kelley.Johnson@doj.ca.gov

10 Attorneys for Respondent

11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
14

15 **ERIC WILTON BURTON,**

16 Petitioner,

17 v.

18 **DIRECTOR OF THE CALIFORNIA
DEPARTMENT OF CORRECTIONS,**

19 Respondent.
20

08-0325 LAB (POR)

**APPLICATION FOR
ENLARGEMENT OF TIME TO
FILE A RESPONSE TO THE
FIRST AMENDED PETITION FOR
WRIT OF HABEAS CORPUS**

Judge: Honorable Louisa S. Porter

21 Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Respondent, Director of the
22 California Department of Corrections, by and through counsel, Edmund G. Brown Jr., Attorney
23 General of the State of California, and Kelley Johnson, Deputy Attorney General, respectfully
24 requests that this Court enlarge the time within which Respondent has to file a response to the First
25 Amended Petition for Writ of Habeas Corpus.

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1 On June 18, 2008, Burton filed a First Amended Petition. On July 3, 2008, this Court
2 ordered that the case be reopened. This Court also ordered respondent to file a motion to dismiss
3 the First Amended Petition by August 8, 2008, or to file an answer to the petition by August 22,
4 2008.

5 Based on the attached declaration, Respondent respectfully requests that the Court grant
6 a 30-day enlargement of time so that the motion to dismiss the First Amended Petition is due no later
7 than September 8, 2008; and the answer is due no later than September 22, 2008.

8 Dated: July 31, 2008

9 Respectfully submitted,

10 EDMUND G. BROWN JR.
Attorney General of the State of California

11 DANE R. GILLETTE
Chief Assistant Attorney General

12 GARY W. SCHONS
Senior Assistant Attorney General

13 GIL GONZALEZ
Supervising Deputy Attorney General

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17 s/ Kelley Johnson
KELLEY JOHNSON
Deputy Attorney General
Attorneys for Respondent

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20 KJ:clh
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21 SD2008700616

CERTIFICATE OF SERVICE

Case Name: **Burton v. Dir. of Calif. Dept. of Corrections**
No.: **08-0325 LAB (POR)**

I declare:

On July 31, 2008, I electronically filed the following document(s):

- **APPLICATION FOR ENLARGEMENT OF TIME TO FILE A RESPONSE TO THE FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS**
- **DECLARATION OF KELLEY JOHNSON IN SUPPORT OF APPLICATION FOR ENLARGEMENT OF TIME TO FILE A RESPONSE TO THE FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS**

And on July 31, 2008, I e-mailed the magistrate judge the following document:

- **ORDER GRANTING ENLARGEMENT OF TIME TO FILE A RESPONSE TO THE FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS**

Electronic Mail Notice List

I have caused the above-mentioned document(s) to be electronically served on the following person(s), who are currently on the list to receive e-mail notices for this case:

NONE

Manual Notice List

The following are those who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing):

Eric Wilton Burton, CDC # F02720
California State Prison Corcoran
P.O. Box 5246
Corcoran, CA 93212

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 31, 2008, at San Diego, California.

C. Herrera

Declarant



Signature